



**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/639,508	08/16/00	CHOMIK	R 460.1891USV

CHARLES N.J. RUGGIERO ESQ  
OHLANDT GREELEY RUGGIERO & PERLE LLP  
ONE LANDMARK SQUARE  
STAMFORD CT 06901-2682

QM12/1106

EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

11/06/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

Ta

# Office Action Summary

Application No.  
**09/639,508**

Applicant(s)  
**Chomik et al.**

Examiner  
**Clark F. Dexter**

Art Unit  
**3724**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Aug 20, 2001

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 14-40 is/are pending in the application.

4a) Of the above, claim(s) 17, 21-23, and 27-40 is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 14-16, 18-20, and 24-26 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: \_\_\_\_\_

Art Unit: 3724

## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election with traverse of Group I, Species B (Figures 5-8A, claims 14-16, 18-20 and 24-26) in the responses filed April 26, 2001 (paper no. 5) and August 20, 2001 (paper no. 7) is acknowledged. The traversal is on the ground(s) that inventions I-III have a common invention set forth in claims 14-16. This is not found persuasive because these claims are being examined with each of groups I-III. Thus, the fact that these claims set forth an invention that is common to each group is not a persuasive reason to examine any of groups I-III together. The distinctness of each group and the examining burden of each group lies in the claims specific to each group.

2. Claims 17, 21-23 and 27-40 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention/species.

The requirement is still deemed proper and is therefore made FINAL.


### ***Information Disclosure Statement***


3. The information disclosure statement filed January 11, 2001 (paper #2) has been received and the references listed thereon have been considered.


Art Unit: 3724

***Drawings***

4. The drawings are objected to because of the following informalities:

In Figure 4, numeral 66 (to indicate the lower surface of feature 56) should be added for clarity. 

In Figures 3C-3E, numeral 30 is inaccurate since an alternate blade is being represented, and it is suggested to change "30" to --30'-- or the like. 

In Figure 5, "84" is inaccurate, and it seems that the underline should be removed and a lead line should extend from numeral 84 to the surface in which channels 86 are formed (e.g., see Figure 5A). 

Appropriate correction is required.

***Specification***

5. The disclosure is objected to because of the following informalities:

On page 4, line 26, <sup>✓</sup>"7A" appears to be inaccurate, and it seems that it should be changed to --8A-- or the like.

On page 10, line 12, <sup>✓</sup>numeral 30 is inaccurate since it refers to an alternate embodiment of the element, and it seems that it should be changed to --30'--; in line 15, <sup>✓</sup>numeral 36 is inaccurate since it refers to an alternate embodiment of the surface, and it seems that it should be changed to --36'--.

Appropriate correction is required.

Art Unit: 3724

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 14-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Greenwood et al., pn 5,499,729.

***Claim Rejections - 35 USC § 102/103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18-20 and 24-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Greenwood et al., pn 5,499,729.

Greenwood et al. discloses every step of the claimed method. In the alternative, if it is argued that Greenwood et al. does not disclose the specific claimed dimensions, to provide such dimensions would be the mere discovery of the optimum or workable ranges within the general conditions of the prior art by one of ordinary skill in the art.

Art Unit: 3724

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cf  
November 5, 2001